

ORDINANCE NO. 2002-29

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PERTAINING TO TERM LIMITS FOR THE OFFICE OF COUNTY COMMISSIONER; PROVIDING FOR AN AMENDMENT TO THE CHARTER OF PALM BEACH COUNTY, FLORIDA; PROVIDING FOR CHARTER AMENDMENT LANGUAGE; PROVIDING FOR REFERENDUM AND BALLOT LANGUAGE; PROVIDING FOR FORM OF NOTICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 1(c), Article VIII of the Constitution of the State of Florida provides that by general law a county government may be established by charter; and

WHEREAS, the voters of Palm Beach County adopted the Charter of Palm Beach County on November 6, 1984, effective January 1, 1985; and

WHEREAS, the Charter of Palm Beach County provides that a Charter amendment may be initiated by seven (7) percent of the number of voters qualified to vote in the last General Election; and

WHEREAS, the Supervisor of Elections verified an initiative petition proposing an amendment to Article II, Section 2.2 of the Palm Beach County Charter on June 20, 2002; and

WHEREAS, passage of this Ordinance will allow the residents of Palm Beach County to vote on the proposed charter amendment at the general election held on November 5, 2002.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1. AMENDMENT OF CHARTER

Subject to the approval of the electorate as required by the Constitution and Laws of Florida, Article II of the Palm Beach County Charter shall be amended by adding the following language to Section 2.2, Legislative Branch:

Section 2.2 Legislative Branch

The governing body of the County shall be a Board of County Commissioners composed of seven (7) members serving staggered terms of four (4) years. One (1) Commissioner residing in each of the seven (7) districts, shall be elected and qualified electors residing within that district. The Commissioner must reside within the district at the time of qualifying to run for office of Commissioner and during his/her term of office must reside in the district from which he/she ran. No person may appear on the ballot for reelection to the office of Commissioner to the Palm Beach County Board of Commissioners, if, by the end of the current term in office, the person will have served (or but for resignation, would have served) as a Commissioner for eight (8) consecutive years. This amendment shall take effect on the date it is approved by the electorate, but no service in a term of office which commenced prior to the effective date of this amendment will be

1 credited against the eight (8) consecutive years term limitation. The two (2) additional
2 Commissioners will be elected pursuant to this amendment at the next General Election
3 succeeding the passage of this amendment. One (1) new Commissioner shall represent an
4 even-numbered district, and his/her initial term of office shall coincide with the term of
5 office for the even-numbered district Commissioners. One (1) new Commissioner shall
6 represent an odd-numbered district, and his/her initial term of office shall coincide with the
7 term of office for the current odd-numbered district Commissioners. The Commissioners
8 who are serving on the effective date of this Charter amendment shall continue to represent
9 the district from which they were elected, as district Commissioners, for the balance of their
10 terms. Salaries of the Board of County Commissioners shall be the same as set by law for
11 the County Commissioners of non charter counties. The Board of County Commissioners
12 shall be responsible for exercising and fulfilling all their powers and duties provided by the
13 Charter.

14 **SECTION 2. REFERENDUM AND BALLOT LANGUAGE**

15 On November 5, 2002, a general election is to be held, and in accordance with the
16 requirements of the Constitution and Laws of Florida, the following question shall be placed on the
17 ballot by the Supervisor of Elections:

18 **TERMLIMITS FOR PALM BEACH COUNTY COMMISSIONERS**

19 Shall the Palm Beach County Charter be amended to provide that County
20 Commissioners who have served for eight (8) consecutive years on the Board of
21 County Commissioners shall not be qualified for reelection? However, no service
22 as a Commissioner, which was commenced prior to the effective date of this
23 Amendment will be counted in the eight (8) consecutive year limitation.
24

25 YES _____
26 NO _____

27 **SECTION 3. FORM OF NOTICE**

28 The form of notice of the election by which this Charter shall be submitted to a referendum
29 shall contain the complete text of Sections 1 and 2 of this Ordinance.

30 **SECTION 4. SEVERABILITY**

31 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason
32 held by a Court to be unconstitutional, inoperative or void, such holding shall not affect the
33 remainder of this Ordinance.

34 **SECTION 5. INCLUSION IN THE CHARTER**

35 In the event this proposed amendment is approved by referendum, Section 1 of this
36 Ordinance shall become and be made a part of the Home Rule Charter of Palm Beach County,
37 Florida. The Articles or Sections of this Charter Amendment Ordinance may be renumbered or
38 relettered to accomplish such, and the word "amendment" may be changed to "section," "article,"
39 or any other appropriate word.

SECTION 6. EFFECTIVE DATE

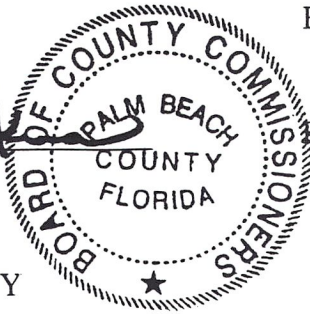
This Ordinance shall become law on November 5, 2002, if approved by a majority of those electors voting on the matter.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the 23 day of July, 2002.

DOROTHY H. WILKEN, CLERK

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: Linda C. Hickman
Deputy Clerk



By: Warren H. Newell
Warren H. Newell, Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: Aurora Beebe
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 31 day of July, 2002.

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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on July 23, 2002.
DATED at West Palm Beach, FL on 9/11/02.
DOROTHY H. WILKEN, Clerk
By: William Brown D.C.